



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Virginia Waste Management Board
VAC Chapter Number:	9 VAC 20-110
Regulation Title:	Regulations Governing the Transportation of Hazardous Materials
Action Title:	Immediate Final Rule 2006
Date:	December 4, 2006

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia) and file with the Registrar and publish their regulations in a style and format conforming with the Virginia Register Form, Style and Procedure Manual.

This agency background document may be used for actions exempt pursuant to § 2.2-4006 at the final stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Each year the U. S. Department of Transportation makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9 VAC 20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended

to change the year, thus incorporating federal changes from October 1 of the previously incorporated year through September 30 of the newly specified year.

This amendment covers three years, October 1, 2003 through September 30, 2006, and there are forty-eight changes. A table is attached that provides a summary and more information on these changes. Also, statutory penalties for violation of the Board's regulation have changed; this caused a deletion of a note in 9 VAC20-110-90.B. that is no longer correct.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Virginia Waste Management Board approved Immediate Final Rule: Amendment 2006 on January 8, 2007, as a final regulation, a revision of 9 VAC 20-110-110 of the Regulations Governing the Transportation of Hazardous Materials.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

A copy of Immediate Final Rule 2006, the final regulation, is attached; there are no forms associated with the action; and the only incorporated material is from the U. S. Code of Federal Regulations. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the institution of the family or family stability.

Table of Changes to Federal Hazardous Materials Transportation Regulations Under Title 49: October 1, 2003 to September 30, 2006

Item	Number and Docket	49 CFR Sections Affected	Subject and Dates	Summary
1	Docket No. 04-19886 (HM-224E)	172	<p>Hazardous Materials Regulations: Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft; Correction</p> <p>Final rule, correction; Published 09/28/2006; Effective Date 10/1/2006; 71 FR 56894</p>	<p>On December 15, 2004, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an interim final rule under Docket HM-224E (69 FR 75208). This document corrects an error in the December 15, 2004 final rule wherein Special Provision A101 imposed a gross weight limitation of 5 kilograms for primary lithium batteries packed with equipment that were excepted from the prohibition for transportation aboard passenger-carrying aircraft. It was intended for this limit to be based on net weight. A gross weight limitation applies to the total weight of the packaging plus its contents (i.e., the weight of the equipment, battery and the packaging). A net weight limitation applies only to the weight of the lithium batteries packed with the equipment. In this final rule, we are correcting Special Provision A101 to specify that the net weight of a package containing a lithium battery or cell that is packed with equipment may be transported on board passenger carrying aircraft provided the net weight of the lithium batteries in the package does not exceed 5 kg and the other conditions set forth in the special provision are met.</p>
2	PHMSA-2006-25496 (HM-189Z)	107, 171, 172, 173, 175, 177, 178 and 180	<p>Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications; Correction</p> <p>Final rule, correction; Published 09/20/2006; Effective Date 10/1/2006; 71 FR 54937</p>	<p>On September 14, 2006, PHMSA published a final rule to correct editorial errors, to make minor regulatory changes and to improved the clarity of certain provisions in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). This final rule corrects a minor error in the September 14, 2006 rule. PHMSA inadvertently omitted several sentences that are part of the current regulatory requirements in paragraph (b) of § 173.153. This section provides exceptions for certain shipments of Division 6.1 materials. The omitted sentences establish the conditions under which the exception may be utilized for air transportation and limit the total weight authorized for packages utilizing the exception. This rule restores these sentences to the paragraph.</p>
3	PHMSA-2006-25496 (HM-189Z)	107, 171, 172, 173, 175, 177, 178 and 180	<p>Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications</p> <p>Final rule; Published 09/14/2006; Effective Date 10/1/2006; 71 FR 54937.</p>	<p>PHMSA annually reviews the HMR to identify errors that may confuse readers. Inaccuracies corrected in this final rule include typographical errors; incorrect references to regulations in the CFR; inaccurate office names and internet addresses; inconsistent use of terminology; and misstatements of certain regulatory requirements. In response to inquiries PHMSA received concerning the clarity of certain requirements specified in the HMR, certain other changes are made to reduce uncertainties.</p>
4	PHMSA-03-14405 (HM-220F)	173, 180	<p>Hazardous Materials: Aluminum Cylinders Manufactured of Aluminum Alloy 6351-T6 Used in SCUBA, SCBA, and Oxygen</p>	<p>This final rule revises the HMR to address a known safety problem with cylinders manufactured of aluminum alloy 6351-T6. The revisions include an inspection and testing program for early detection of sustained</p>

			Services--Revised Requalification and Use Criteria; Final rule; Published 8/29/2006; Effective Date 1/1/2007; 71 FR 51122.	load cracking on cylinders manufactured of aluminum alloy 6351-T6 and used in self-contained underwater breathing apparatus (SCUBA), self-contained breathing apparatus (SCBA), and oxygen services.
5	PHMSA-2005-22208 (HM-240)	171	Hazardous Materials: Incorporation of Statutorily Mandate Revisions to the Hazardous Materials Regulations; Correction; Final rule, correction; Published 8/8/2006; Effective Date 8/8/2006; 71 FR 44929.	On December 9, 2005, PHMSA published a final rule to revise terminology, definitions, and requirements for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005. These amendments included revising the definitions of "hazmat employee" and "hazmat employer"; modifying shipping paper retention requirements; providing a security plan exception for farmers; and replacing the term "Exemption" with "Special permit." This final rule corrects an error in the final rule. In addition, it clarifies the amendments applicable to shipping paper retention requirements, the definition of "hazmat employer," and the transition from "Exemption" to "Special permit."
6	FMCSA-2006-21259 RIN 2126-AA88	393	Final rule; Published 6/22/2006; Effective Date 7/24/2006; 71 FR 35819	In this rule the Federal Motor Carrier Safety Administration (FMCSA) amends its September 27, 2002, final rule concerning protection against shifting and falling cargo for commercial motor vehicles (CMVs) operated in interstate commerce in response to petitions for rulemaking from several trade associations. The amendments make the final rule more consistent with the December 18, 2000, notice of proposed rulemaking (NPRM) to adopt the North American Cargo Securement Standard Model Regulations. This final rule also includes several editorial revisions to the 2002 final rule.
7	PHMSA-2005-17463 (HM-220E)	107, 171, 172, 173, 178, and 180	Hazardous Materials: Requirements for UN Cylinders; Final rule; Published 6/12/2006; Effective Date 9/11/2006; 71 FR 33858.	In this final rule, PHMSA is amending the HMR to adopt standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers based on the standards contained in the United Nations Recommendations on the Transport of Dangerous Goods. Aligning the HMR with the international standards promotes greater flexibility, permits the use of advanced technology for the manufacture of pressure receptacles, provides for a broader selection of pressure receptacles, reduces the need for special permits, and facilitates international commerce in the transportation of compressed gases without sacrificing the current level of safety and without imposing undue burdens on the regulated community.
8	PHMSA-2004-16895 (HM-226A)	171, 172, 173, and 175	Hazardous Materials: Infectious Substances; Harmonization With the United Nations Recommendations; Final rule; Published 6/02/2006; Effective Date 10/1/2006; 71 FR 32243.	PHMSA is revising the transportation requirements for infectious substances, including regulated medical waste, to adopt new classification criteria, new exceptions, and packaging and hazard communication requirements consistent with revised international standards and to clarify existing requirements to promote compliance. These revisions will ensure an acceptable level of safety for the transportation of infectious substances and facilitate domestic and

				international transportation.
9	RSPA-2004-18795 (HM-237)	171, 172, and 173	Hazardous Materials: Requirements for Lighters and Lighter Refills; Final rule; response to appeals; correction. Published 4/25/2006; Effective Date 1/1/2007; 71 FR 23869.	On January 23, 2006, PHMSA published a final rule entitled "Requirements for Lighters and Lighter Refills" that amended requirements in the HMR pertaining to the examination, testing, certification, and transportation of lighters and lighter refills. In response to appeals submitted by persons affected by the final rule, this final rule amends requirements applicable to the transportation of lighter refills and allows for immediate voluntary compliance with certain provisions.
10	RSPA-02-11654 (HM-228)	171, 172, 173, and 175	Hazardous Materials: Revision of Requirements for Carriage by Aircraft; Final Rule; Published 3/22/2006; Effective Date 10/1/2006; 71 FR 14585.	This final rule amends the requirements in the HMR for the transportation of hazardous materials by aircraft. This final rule clarifies the applicability of part 175; clarifies the exceptions from regulation for operator equipment and supplies, special aircraft operations, and passengers and crewmembers; revises separation distances for the shipment of radioactive materials by cargo aircraft; and updates the regulations to comply with security requirements for explosive special permits. These changes are being made to finalize outstanding petitions for rulemaking, convert certain special permits into regulations, and promote international harmonization, where appropriate.
11	PHMSA-05-22461	107 and 171	Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines; Final Rule; Published 2/17/2006; Effective Date 2/17/2006; 71 FR 8485.	The PHMSA is revising its regulations to reflect revisions to the civil and criminal penalties in the Hazardous Materials Safety and Security Reauthorization Act (Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), enacted on August 10, 2005. It is also revising baseline assessments for violations related to training and security plans and making editorial changes in its List of Frequently Cited Violations in our Guidelines for Civil Penalties. It publishes Guidelines for Civil Penalties in order to provide the regulated community and the general public with information on the hazardous material penalty assessment process.
12	RSPA-2004-18795 (HM-237)	171, 172, and 173	Hazardous Materials: Requirements for Lighters and Lighter Refills; Final Rule; Published 1/23/2006; Effective Date 1/1/2007; 71 FR 3418.	This final rule amends requirements in the HRM pertaining to the examination, testing, certification, and transportation of lighters and lighter refills. This action will clarify regulatory requirements and, where appropriate, decrease the regulatory burden, while continuing to provide for the safe transportation of lighters and lighter refills in commerce.
13	PHMSA-2005-22208 (HM-240)	105, 106, 107, 110, 171, 172, 173, 174, 175, 176, 177, 178 and 180	Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations; Final Rule; Published 12/9/2005; Effective Date 1/9/2006; 70 FR 73156.	This final rule revises terminology, definitions, and requirements for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005. These amendments include revising the definitions of "hazmat employee" and "hazmat employer;" revision of shipping paper retention requirements; providing a security plan exception for farmers; adding conditional applicability of postal laws and regulations; and replacement of "Exemption" with "Special permit."

14	PHMSA-2005-22071 (HM-189Y)	105, 106, 107, 110, 171, 172, 173, 176, 177, 178, 179 and 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications; Final Rule; Published 9/23/2005; Effective Date 9/28/2005; 70 FR 56083.	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. In addition, this final rule revises references to the former Research and Special Programs Administration to reflect the creation of Pipeline and Hazardous Materials Safety Administration. The intended effect of this rule is to enhance the accuracy, and reduce misunderstandings of the regulations. The amendments contained in this rule are minor changes and do not impose new requirements.
15	FMCSA-2004-19608; formerly FMCSA-1997-2350 RIN-2126-AA90	385, 390 and 395	Hours of Service of Drivers Final Rule; Published 8/25/2005; Effective Date 10/1/2005; 70 FR 49978	FMCSA is published this final rule governing hours of service for commercial motor vehicle drivers to address/requirements for driving, duty, and off-duty time; a recovery period, sleeper berth, and new requirements for short-haul drivers. The hours-of-service regulations published on April 28, 2003, were vacated by the U.S. Court of Appeals for the District of Columbia Circuit on July 16, 2004. Congress subsequently provided, through the Surface Transportation Extension Act of 2004, that the 2003 regulations would remain in effect until the effective date of a new final rule addressing the issues raised by the court or September 30, 2005, whichever occurs first. This rule meets that requirement.
16	FMCSA-1997-2364 RIN 2126-AA61	390, 392 and 393	Parts and Accessories Necessary for Safe Operation; General Amendments Final Rule; Published 8/15/2005; Effective Date 9/15/2005; 70 FR 48007	In this rule FMCSA amends part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR part 571); and codify certain FMCSA regulatory guidance concerning the requirements of part 393.
17	PHMSA-04-19173 (HM-223A)	171	Applicability of the Hazardous Materials Regulations to a "Person Who Offers" a Hazardous Material for Transportation in Commerce; Final Rule; Published 7/28/2005; Effective Date 10/1/2005; 70 FR 43638.	PHMSA is amending the HMR to add a definition for "person who offers or offeror." The definition adopted in this final rule codifies long-standing interpretations and administrative determinations on the applicability of those regulations.
18	PHMSA-04-17036 (HM-215G)	172, 173, 175, 176, 178 and 180	Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions;	On December 20, 2004, the Research and Special Programs Administration (RSPA)--the predecessor agency to the Pipeline and Hazardous Materials Safety Administration (PHMSA)--published a final rule under Docket Number RSPA-04-17036 (HM-215G) amending the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping

			Correction; Final Rule; Published 6/14/2005; Effective Date 6/14/2005; 70 FR 34381.	names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce. This final rule corrects errors in the December 20, 2004 final rule.
19	PHMSA-04-18683 (HM-218C)	171, 172, 173, 178, 179 and 180	Hazardous Materials; Miscellaneous Amendments; Final rule; Published 6/13/2005; Effective Date 8/12/2005; 70 FR 34065.	This final rule amends the HMR by incorporating miscellaneous changes based on petitions for rulemaking and PHMSA initiatives. The intended effect of these regulatory changes is to update, clarify or provide relief from certain regulatory requirements.
20	RSPA-03-16370 (HM-233)	171	Hazardous Materials: Incorporation of Exemptions Into Regulations; Notice of Information Collection Approval; Final Rule; Published 6/8/2005; Effective Date 3/25/2005; 70 FR 33378.	This final rule notice announces Office of Management and Budget (OMB) approval of information collection request (ICR) OMB No. 2137-0620, "Inspection and Testing of Meter Provers." This information collection has been approved by OMB until May 31, 2008. This notice also makes appropriate revisions to regulations concerning the Paperwork Reduction Act to incorporate this new information collection approval under OMB Control No. 2137-0620.
21	PHMSA-98-4952 (HM-223)	171 and 174	Hazardous Materials: Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Final Rule; Published 4/15/2005; Effective Date 6/1/2005; 70 FR 20018.	On October 30, 2003, the RSPA, predecessor agency to PHMSA, published a final rule to clarify the applicability of the HMR to functions and activities related to the safe and secure transportation of hazardous materials in commerce, including loading, unloading, and storage operations. In response to appeals submitted by persons affected by the final rule, this final rule amends certain regulations and makes editorial corrections.
22	PHMSA-00-7762 (HM-206C)	171	Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft; Final Rule; Published 2/24/2005; Effective Date 2/24/2005; 70 FR 8956.	This final rule adopts without change the April 1, 2005, mandatory compliance date for the notification and record retention requirements for aircraft operators transporting hazardous materials, as adopted in an interim final rule in this proceeding published on September 1, 2004.
23	RSPA-03-16370 (HM-233)	171, 173, 174, 176, and 177	Hazardous Materials: Incorporation of Exemptions Into Regulations; Final Rule; Published 1/24/2005; Effective Date 3/25/2005; 70 FR 3302.	This final rule amends the HMR by incorporating into the regulations the provisions of certain widely used exemptions which have established a history of safety and which may be converted into regulations for general use. It also makes minor revisions to the requirements for use of packagings authorized under exemptions. The revisions provide wider access to the benefits of the provisions granted in these exemptions and eliminate the need for the current exemption holders to reapply for renewal of the exemption, thus reducing paperwork burdens and

				facilitating commerce while maintaining an acceptable level of safety.
24	RSPA-04-17036 (HM-215G)	171, 172, 173, 175, 176, 178 and 180	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Final Rule; Published 12/20/2004; Effective Date 1/1/2005; 69 FR 76043.	RSPA is amending the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Because of recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these revisions are necessary to facilitate the transport of hazardous materials in international commerce.
25	RSPA-04-19886 (HM-224E)	171, 172, 173 and 175	Hazardous Materials: Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft Final Rule; Interim Final Rule; Published 12/15/2004; Effective Date 12/29/2004; 69 FR 75207.	To protect life and property, RSPA, working closely with the Federal Aviation Administration (FAA), is issuing an interim final rule imposing a limited prohibition on offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells as cargo aboard passenger-carrying aircraft and equipment containing or packed with large primary lithium batteries. This rule applies to both foreign and domestic passenger-carrying aircraft entering, leaving, or operating in the United States and to persons offering primary lithium batteries and cells for transportation as cargo on any passenger-carrying aircraft. This prohibition does not affect the carriage of lithium batteries or devices containing lithium batteries that are transported in a passenger's luggage for personal use. In addition, this rule does not apply to the shipment of equipment that contains or is packed with small primary lithium batteries or to the shipment of secondary (rechargeable) lithium batteries (e.g., lithium ion batteries). RSPA is also amending the HMR to require that, when offered for transport as cargo, shipments of primary lithium batteries and cells that are excepted from classification as a Class 9 (miscellaneous) hazardous material must be marked to indicate that they are forbidden for transport aboard passenger-carrying aircraft.
26	RSPA-98-4952 (HM-223)	171, 173, 174, 175, 176, 177, and 178	Hazardous Materials: Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Final Rule; Published 12/8/2004; Effective Date 6/1/2005; 69 FR 70902.	On October 30, 2003, RSPA published a final rule (68 FR 61905) to clarify the applicability of the HMR to loading, unloading, and storage operations. This rule delays the effective date of the final rule from January 1, 2005 until June 1, 2005.
27	RSPA-03-15327 (HM-206B)	171, 172, and 173	Hazardous Materials: Miscellaneous Changes to the Hazard Communication Requirements; Final Rule Final Rule; Published 11/4/2004;	This final rule amends the HMR to improve hazard communication for hazardous materials transported in commerce. Revisions adopted in this final rule include: permitting the use of the Pantone Formula, an industry guide for colors, for hazard warning labels and placards; expanding the

			Effective Date 10/1/2005; 69 FR 64461.	use of labels specified in the Compressed Gas Association Pamphlet C-7 on cylinders used to transport Division 2.1, 2.2, or 2.3 gases to all modes of transportation; requiring a NON-ODORIZED marking on certain cylinders, portable tanks, cargo tanks, and tank cars and multi unit tank car tanks containing unodorized liquefied petroleum gas; and allowing a FUMIGANT marking to be removed from a transport vehicle or freight container before the lading is unloaded if the vehicle has undergone sufficient aeration. Taken together, the revisions in this final rule will enhance hazard communication for the safe handling of hazardous materials in transportation and the prompt identification of hazardous materials involved in transportation incidents.
28	RSPA-99-6283 (HM-230)	171 and 173	Hazardous Materials Regulations: Compatibility With the Regulations of the International Atomic Energy Agency; Correction; Final Rule Final Rule; Published 10/1/2004; Effective Date 10/1/2004; 69 FR 58841.	RSPA is correcting errors in a final rule, published in the Federal Register on September 13, 2004, that amended requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency (IAEA) publication, entitled "IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material," 1996 Edition, No. TS-R-1.
29	RSPA-99-6283 (HM-230)	171, 172, and 173	Hazardous Materials Regulations: Compatibility With the Regulations of the International Atomic Energy Agency; Correction; Final Rule; Final Rule; Published 9/13/2004; Effective Date 10/1/2004; 69 FR 55113.	RSPA is correcting errors in its final rule in this docket, published in the Federal Register on January 26, 2004, that amended requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency (IAEA) publication, entitled "IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material," 1996 Edition, No. TS-R-1.
30	RSPA-04-16099 (HM-189W)	106, 107, 171, 172, 173, 178, 179 and 180	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications; Final Rule; Published 9/7/2004; Effective Date 10/1/2004; 69 FR 54042.	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are minor changes and do not impose new requirements.
31	RSPA-00-7762 (HM-206C)	171	Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft; Interim Final Rule; extension of compliance date; Published 9/1/2004; Effective Date 9/1/2004; 69 FR 53352.	This interim final rule extends the compliance date of the notification and record retention requirements for aircraft operators transporting hazardous materials. On March 25, 2003 RSPA published a final rule that requires an aircraft operator transporting a hazardous material to assure that information on the hazardous material carried aboard the aircraft is available to emergency responders through sources other than the flight crew. This interim final rule extends the October 1, 2004 mandatory compliance date to April 1, 2005.

32	RSPA-2004-18575 (HM-189X)	172	Hazardous Materials Regulations: Minor Editorial Corrections; Final rule; editorial corrections; Published 7/13/2004; Effective Date 10/1/2004; 69 FR 41967.	This final rule corrects errors in the 49 CFR 172.101 Hazardous Materials Table (HMT) made during the recent publication of 49 CFR Parts 100 to 185. In the most recent publication of 49 CFR Parts 100-185, a number of entries in the HMT were inadvertently removed.
33	FMCSA-97-2180 RIN 2126-AA07	385, 386, and 390	Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits Final rules; Published 6/30/2004; Effective Date 7/30/2004; 69 FR 39350	The FMCSA establishes a national safety permit program for motor carriers that transport certain hazardous materials in interstate or intrastate commerce. This final rule implements provisions of Federal hazardous materials transportation law. The rule will promote safe and secure transportation of the designated hazardous materials and thereby improve motor carrier safety.
34	RSPA-2003-13658 (HM-215E)	171, 172, 173, and 178	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Final Rule, delay of effective date; Published 6/22/2004; Effective Date 6/22/2004; 69 FR 34604.	On July 31, 2003, RSPA published a final rule under Docket Number RSPA-2002-13658 (HM-215E) amending the HMR based on corresponding provisions of international standards. The revisions were made to facilitate the transportation of hazardous materials in international commerce. In response to appeals submitted by persons affected by the July 31, 2003 final rule, this final rule amends certain requirements. This final rule also corrects errors in the July 31, 2003 final rule.
35	FMCSA-02-13589] RIN 2126-AA80	393	Parts and Accessories Necessary for Safe Operation; Fuel Systems Final Rule; Published 6/3/2004; Effective Date 7/6/2004; 69 FR 31302	The FMCSA revises the requirements concerning fuel tank fill rates for gasoline- and methanol-fueled light-duty vehicles contained in Subpart E of the FMCSR. The purpose of the rule is to remove a conflict between the fuel tank fill rate requirements of the FMCSR and those of the Environmental Protection Agency for gasoline and methanol-fueled vehicles up to 14,000 pounds (lbs) Gross Vehicle Weight Rating (GVWR) and to make permanent the terms of the exemptions previously granted to motor carriers operating certain gasoline-fueled commercial motor vehicles (CMVs) manufactured by Ford Motor Company (Ford) and by General Motors (GM).
36	RSPA-98-4952 (HM-223)	171, 173, 174, 175, 176, 177, and 178	Hazardous Materials: Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Final Rule, delay of effective date; Published 5/28/2004; Effective Date 1/1/2005; 69 FR 30588.	On October 30, 2003, RSPA published a final rule (68 FR 61905) to clarify the applicability of the HMR to loading, unloading, and storage operations. RSPA delayed the effective date of the final rule from October 1, 2004 to January 1, 2005.

37	RSPA-99-5013 (HM-229)	171	Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form; Correction; Final Rule, response to appeals and correction; Published 5/26/2004; Effective Date 1/1/2005; 69 FR 30113.	On December 3, 2003, RSPA published a final rule under Docket No. RSPA-99-5013 (HM-229) to update and clarify requirements in the HMR applicable to incident reporting requirements and the Hazardous Materials Incident Report (HMIR) DOT Form F 5800.1. In response to appeals submitted by persons affected by the December 3, 2003 final rule, this final rule amends certain requirements, and makes minor editorial corrections. This final rule is effective January 1, 2005. The effective date for the final rule published on December 3, 2003 has been extended from July 1, 2004 to January 1, 2005.
38	FMCSA-97-2176 RIN 2126-AA08	380 and 391	Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements; Correction Final Rule, correction; Published 5/19/2004; Effective Date 6/1/2004; 69 FR 28846	The FMCSA published in the Federal Register of March 30, 2004, a final rule concerning requirements for operators of LCVs and the instructors who train them. The requirements codified at Sec. 391.53 should have been designated Sec. 391.55. In addition, the authority citation for the rule failed to include the authorities listed in another FMCSA rule amending part 391 that was published the same day. This document corrects these errors.
39	RSPA-03-13658 (HM-215E)	172	Hazardous Materials: Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Final Rule, extension of compliance date; Published 4/19/2004; Effective Date 4/19/2004; 69 FR 20831.	RSPA is extending the compliance date of the recently adopted air eligibility marking requirement. On July 31, 2003, RSPA published a final rule under Docket Number RSPA-2002-13658 (HM-215E) requiring mandatory compliance with the air eligibility marking by October 1, 2004. This final rule extends the October 1, 2004 mandatory compliance date to October 1, 2006.
40	FMCSA-97-2277 RIN 2126-AA17	380, 390, and 391	Safety Performance History of New Drivers and Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements Final Rule, extension of compliance date; Published 03/30/2004; Effective Date April 29, 2004; 69 FR 16684	In this rule the FMCSA amends the FMCSR to specify the minimum driver safety performance history data that new or prospective employers are required to seek for applicants under consideration for employment as a commercial motor vehicle (CMV) driver; where, and from whom, that information must be sought; and that previous employers must provide the minimum driver safety performance history information. This action will enable prospective motor carrier employers to make more sound hiring decisions of drivers to improve CMV safety on our nation's highways.
41	FMCSA-97-2176 RIN 2126-AA08	380 and 391	Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements Final rule; Published 03/30/2004; Effective Date: June 1, 2004; 69 FR	FMCSA establishes standards for minimum training requirements for the operators of longer combination vehicles (LCVs) and requirements for the instructors who train these operators. This action is in response to section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991, which directed that training for the operators of LCVs include certification of an operator's proficiency by an instructor who has met the

			16722	requirements established by the Secretary of Transportation (Secretary).
42	RSPA-03-14982 (HM-232C)	107, 171, 176, and 177	Hazardous Materials: Enhancing Hazardous Materials Transportation Security; Final rule; Published 02/10/2004; Effective Date: Mar 11, 2004; 69 FR 6195.	This final rule revises the procedures for applying for an exemption from the HMR, adopted in an interim final rule published May 5, 2003, to require certain applicants to certify compliance with provisions of the Safe Explosives Act. In addition, this final rule adopts without change provisions in the interim final rule that require motor carriers and vessel operators to comply with applicable licensing requirements for drivers and crewmen, respectively.
43	RSPA-99-6283 (HM-230)	171, 172, 173, 174, 175, 176, 177 and 178	Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency; Final rule; Published 01/26/2004; Effective Date: Oct 1, 2004; 69 FR 3631.	In this final rule RSPA is amending requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency (IAEA) publication, entitled "IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material," 1996 Edition, No. TS-R-1. The purpose of this rulemaking initiative is to harmonize requirements of the HMR with international standards for radioactive materials as well as to promulgate other DOT-initiated requirements.
44	RSPA-03-15574 (HM-189U)	171, 172, 173, 174, 175, 176, 177, 178, 179, and 180	Hazardous Materials: Matter Incorporated by Reference; Final rule; Published 12/31/2003; Effective Date: Jan 1, 2004; 68 FR 75733.	This final rule amends the HMR to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference into the HMR. In addition, this rule adds missing cross-references and removes unnecessary cross-references in the HMR. The amendments contained in this rule are minor editorial changes and impose no new requirements.
45	RSPA-99-5013 (HM-229)	171	Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form; Final rule; Published 12/3/2003; Effective Date: July 1, 2004; 68 FR 67745.	RSPA is revising the incident reporting requirements of the HMR and the hazardous materials incident report form, DOT Form F 5800.1. The major changes adopted in this final rule include: Collecting more specific information on the incident reporting form; expanding reporting exceptions; expanding reporting requirements to persons other than carriers; reporting undeclared shipments of hazardous materials; and reporting non-release incidents involving cargo tanks. These revisions will assure an increase in the usefulness of data collected for risk analysis and management by government and industry and, where possible, provide relief from regulatory requirements.
46	RSPA-98-4952 (HM-223)	171, 173, 174, 175, 176, 177, and 178	Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Final rule; Published 10/30/2003; Effective Date: October 1, 2004; 68 FR 61905.	RSPA is clarifying the applicability of the HMR to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. It also lists in the HMR pre-transportation functions to which the HMR apply. Pre-transportation functions are functions performed to prepare hazardous materials for transportation in commerce by persons who offer a hazardous material for transportation or cause a hazardous material to

				be transported. Transportation functions are functions performed as part of the actual movement of hazardous materials in commerce, including loading, unloading, and storage of hazardous materials that is incidental to that movement. For purposes of applicability of the HMR, ``transportation in commerce" begins when a carrier takes possession of a hazardous material and continues until the carrier delivers the package containing the hazardous material to its destination as indicated on shipping papers or other shipping documentation.
47	FMCSA-2000-7017 RIN 2126-AA52	390 and 398	Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce Final rule; Published Correction 10/27/2003; Effective Date: 10/27/2003; 68 FR 61246.	In rule document 03-20369 beginning on page 47860 in the issue of Tuesday, August 12, 2003, the following correction is made: On page 27860, in the second column, under the DATES heading, in the fifth line, "November 10, 2003" should read "December 10, 2003."
48	RSPA-03-16099 (HM-189V)	171, 172, 173, 175, 176, 177, 178, and 179	Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications; Final rule; Published 10/06/2003; Effective Date: 10/6/2003; 68 FR 57629.	This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are minor changes and do not impose new requirements.

U.S. Department of Transportation = DOT
Pipeline and Hazardous Materials Safety Administration = PHMSA
Hazardous Materials Regulations = HMR
Federal Aviation Administration = FAA
Research and Special Programs Administration = RSPA

Office of Management and Budget = OMB
Regulation Identifier Number = RIN
Federal Motor Carrier Safety Administration = FMCSA
Federal Motor Carrier Safety Regulations = FMCSR